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7 **UNITED STATES DISTRICT COURT**
8 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
9 **(SAN JOSE DIVISION)**
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11 JOSEPH CIAMPI) Case No. C 09 02655 JF
12 v. Plaintiff,)
13 CITY OF PALO ALTO, a government entity;) STIPULATION AND [PROPOSED]
LYNNE JOHNSON, an individual; CHIEF) ORDER TO CONTINUE MARCH 29,
14 DENNIS BURNS, an individual; OFFICER) 2010 MEDIATION DEADLINE TO MAY
KELLY BURGER, an individual; OFFICER) 29, 2010
15 MANUEL TEMORES, an individual; OFFICER) Action Filed: June 15, 2009
APRIL WAGNER, an individual; AGENT DAN) Trial Date: January 11, 2011
16 RYAN; SERGEANT NATASHA POWERS, an) Hon. Jeremy Fogel
individual.
17 Defendants.
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1 Plaintiff Tony Ciampi ("Plaintiff") and defendants City of Palo Alto, Lynne Johnson, Chief
 2 Dennis Burns, Officer Kelly Burger, Officer Manuel Temores, Officer April Wagner, Agent Dan
 3 Ryan and Sergeant Natasha Powers (collectively "Defendants"), by and through their respective
 4 counsel of record in this action, hereby stipulate as follows:

5 1. On December 29, 2009, this Court entered the parties Stipulation for Mediation
 6 pursuant to ADR L.R. 6. The Court further ordered that the mediation take place by March 29,
 7 2009. On January 8, 2010, this Court appointed Randolph W. Hall to act as Mediator. On January
 8 22, 2010, the parties had a joint phone conference with Mr. Hall pursuant to ADR L.R. 6-6. The
 9 mediation is currently set for March 18, 2010.

10 2. Thereafter, the parties have diligently pursued this matter. Plaintiff has sent, and
 11 Defendants have responded to, Plaintiff's first set of document requests and requests for inspection
 12 and special interrogatories. Plaintiff has alleged in his complaint, *inter alia*, a tampering of
 13 evidence claim. Plaintiff believes, and Defendants deny, that the audio and/or video equipment
 14 have been altered. To resolve this issue, Plaintiff has retained an expert to analyze the equipment.

15 3. Defendants have agreed to allow Plaintiff's expert to inspect some evidence at the
 16 police station, which Plaintiff believes is necessary for a meaningful analysis. Plaintiff has been
 17 waiting for his expert to provide the specific list of items he needs to view, as well as dates on
 18 which he can view them. Plaintiff thought this would be completed well in advance of the
 19 currently scheduled March 18th mediation.

20 4. Plaintiff's expert has been involved in a trial, and he only recently began focusing
 21 his attention on this matter. He just alerted Plaintiff that additional documents are necessary for his
 22 inspection, including the proper manuals for the audio and video equipment. Plaintiff attempted to
 23 obtain these through Defendants, but a subpoena may be required.

24 5. The parties desire a meaningful alternative resolution process. The parties agree that
 25 this matter will not be resolved without an analysis of the audio and video equipment.
 26 Consequently, to avoid wasting the mediator's time, the parties respectfully request that the
 27 mediation deadline, currently set for March 29, 2009, be continued two months to May 29, 2009.

28 6. This request for a continuance of the dates was at the Plaintiff's request and will not

1 result in an injustice to Plaintiff.

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3 IT IS SO STIPULATED.

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5 Date: March 15, 2009

FERGUSON, PRAET & SHERMAN
A Professional Corporation
By: /s/ Steven A. Sherman
Steven A. Sherman
Attorney for Defendants

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8 Dated: March 15, 2010

PIERCE & SHEARER LLP
Stacy Y. North

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11 By: /s/ Stacy Y. North
12 Stacy Y. North
13 Attorneys for Plaintiff
TONY CIAMPI

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17 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED THAT:

18 The mediation completion date of March 29, 2010 set forth in the December 29, 2009
19 Stipulation and Order Selecting ADR Process is continued to May 29, 2010;

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21 Dated: 3/16/2010

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23 The Honorable Jeremy Fagee
24 Judge of the United States District Court for
25 The Northern District of California

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